

## DEPARTMENT OF INDUSTRIAL RELATIONS

OFFICE OF THE DIRECTOR  
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May 12, 2000

James L. Larson, Attorney  
Noyo Harbor District  
19101 S. Harbor Drive  
Fort Bragg, CA 95437

RE: Public Works Case No. 2000-002  
Hauling Dredge Material to a Public Work Site  
Noyo Harbor District

Dear Mr. Larson:

This constitutes the determination of the Director of the Department of Industrial Relations regarding coverage of the above referenced project under California's prevailing wage laws and is made pursuant to Title 8, California Code of Regulations section 16000(a). Based upon my review of the facts of this case and an analysis of the applicable law, it is my determination that the hauling and disposition of dredge material in this case is a public work subject to the payment of prevailing wages.

As a special district, the Noyo Harbor District ("District") is a political subdivision of the State of California organized and existing as a California Port District under California Harbors and Navigation Code section 6200, et seq. The District has accumulated approximately 250,000 cubic yards of dredge material from the Noyo River navigable channel. The dredge material is stored at the mouth of the river on property that is leased by the District from the City of Fort Bragg. The District must remove and dispose of the dredge material in order to proceed with dredging of the river in the summer of 2000.

Using local public funds, the District plans to enter into a contract with the successful bidder ("Contractor") for the work. The dredge material will be taken to and used for the construction of a new regional park and golf course, which will be constructed with public funds.

Labor Code section 1720(a) defines "public works" in relevant part as: "Construction, alteration, demolition or repair work done under contract and paid for in whole or part out of public funds." Based on the facts presented in this case, the golf course involves construction and alteration to be done under

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contract and paid for out of public funds. Therefore, the planned golf course will be a public work within the meaning of section 1720(a). The issue in this case is whether the hauling and disposition of the dredge material to the golf course site is subject to the payment of prevailing wages.

As found in a previous determination,<sup>1</sup> and consistent with *Sansone v. Dept. of Transportation* (1976) 55 Cal.App.3d 434, 127 Cal.Rptr. 799, the hauling, including loading and unloading, of materials to a public work site by employees of a contractor or subcontractor is a public work. Therefore, consistent with these precedential decisions and in accordance with section 1720(a), the employees of the Contractor in this case must be paid prevailing wages while hauling, including loading and unloading, the dredge material to the public work site.

In addition, Labor Code section 1772 states: "Workers employed by contractors or subcontractors in the execution of any contract for public work are deemed to be employed upon public work." Because the Contractor's workers are employed in the execution of a public work, these workers are entitled to be paid prevailing wages under section 1772.

I hope this determination satisfactorily answers your inquiry.

Sincerely,

  
Stephen J. Smith  
Director

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<sup>1</sup> Precedential Public Work Determination No. 95-015, Nevada County Chip Seal Program, September 14, 1995.